

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION**

FIRST STUDENT, INC.

Employer

and

Case 4–RC–21452

UNITED STEEL, PAPER, FORESTRY, RUBBER,  
MANUFACTURING, ENERGY, ALLIED  
INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION  
LOCAL 286

Petitioner

**REGIONAL DIRECTOR’S SUPPLEMENTAL  
DECISION AND DIRECTION OF ELECTION**

On July 7, 2008, a Decision and Direction of Election was issued in this case. The Decision concluded, among other things, that the Employer’s operations are cyclical, rather than seasonal, and that an election should be conducted within the Board’s unusual time frame and should not be delayed until the beginning of the next school year.

Thereafter, the Employer filed a request for review of this Decision in which it contended, among other things, that the Decision was incorrect in finding the Employer’s operations to be cyclical. I shall treat the request for review as a Motion for Reconsideration of the Decision, and, having considered the Employer’s contentions, I adhere to the findings, conclusions, and analysis set forth in the Decision.

Nevertheless, in the unique circumstances herein, I shall exercise my direction to delay the conduct of the election currently scheduled for August 5, 2008, until early September 2008, after the beginning of the next school year. In this connection, the Board’s Casehandling Manual (Part Two) Representation Sec. 11302.1, provides that the Regional Director “normally” should not schedule an election more than 30 days after issuing a Decision and Direction of Election, but that a date should be selected that “balances the desires of the parties and operational considerations, along with the desirability of facilitating employee participation and the prompt and timely conduct of the election. See also Sec. 11284. Based on a balance of these factors, I have decided that the election should be conducted as soon as possible after the beginning of the school year, when the Employer’s full employee complement is working a regular schedule.

This relatively brief postponement of the election will facilitate employee participation and avoid the possibility of additional delay or the overturning of the results of an election conducted during the summer months. The date of the election will be determined following consultation with the parties.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. A request for review may also be submitted by electronic filing through the Agency's website at **www.nlrb.gov**. A copy of the request for review must be served on each of the other parties to the proceeding, and with the Regional Director either by mail or by electronic filing. Guidance for electronic filing can be found under the **E-Gov** heading on the Agency's website. This request must be received by the Board in Washington by 5:00 p.m., EDT on **August 13, 2008**.

Signed: July 30, 2008

at Philadelphia, Pennsylvania

/s/ [Dorothy L. Moore-Duncan]  
DOROTHY L. MOORE-DUNCAN  
Regional Director, Region Four  
National Labor Relations Board